

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DERRICK JOVAN MCRAE,

Petitioner,

v.

EDDIE M. BUFFALOE,
Secretary, N.C. Department of Public Safety,

Respondent.

1:21CV577

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on February 27, 2024, was served on the parties in this action. (ECF Nos. 49, 50). Petitioner filed Objections to the Magistrate Judge's Recommendation on March 12, 2024. (ECF No. 51.)

The Court has reviewed Plaintiff's Objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Stay in this case is **LIFTED**, that Respondent's Motion to Dismiss, (ECF No. 8), is **GRANTED**, that Petitioner's Petition, (ECF No. 1), to vacate, set aside, or correct sentence is **DISMISSED** as time-barred, that judgment be entered dismissing the action and that there being no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability not issue.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 29th day of March 2024.

/s/ Loretta C. Biggs
United States District Judge